



PATENT
Docket No. 597932000700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Victor V. GOGOLAK

Serial No.: 09/681,585

Filing Date: May 2, 2001

For: METHOD AND SYSTEM FOR
ANALYZING DRUG ADVERSE EFFECTS

Examiner: George B. Davis

Group Art Unit: 2129

REQUEST TO WITHDRAW HOLDING OF ABANDONMENT

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Notice of Abandonment mailed December 13, 2006 has been received for the above-referenced application. The Notice of Abandonment states that this application is abandoned in view of applicant's failure to timely file a proper reply to the Action allegedly mailed on January 9, 2006.

Applicant hereby requests withdrawal of the holding of abandonment because the Action was in fact mailed on January 13, 2006 and applicant timely filed - on July 13, 2006 - both an amendment under 37 CFR 1.116 and a request for extension of time, which was granted. Additionally, applicant concurrently filed a Notice of Appeal on July 13, 2006. Copies of the Action, Transaction History and Image File Wrapper from the PAIR website are enclosed herewith including a copy of the return postcard stamped by the U.S. Patent and Trademark Office indicating receipt of the papers filed on July 13, 2006.


Applicant is also filing a Request for Continued Examination concurrently with this Request.

No fee is required for this Request as the Response was timely filed. However, in the unlikely event that the Patent and Trademark Office determines an extension and/or other relief is required, applicant petitions for any required relief, including extensions of time, and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Docket No. 597932000700.

Respectfully submitted,

Dated: January 5, 2007

By:


Brian N. Fletcher
Registration No. 51,683

Morrison & Foerster LLP
1650 Tysons Boulevard, Suite 300
McLean, Virginia 22102
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Facsimile: (703) 760-7777

Attachments



UNITED STATES PATENT AND TRADEMARK OFFICE

59793-20007.00
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

KRS/mrh JAN 05 2007

APPLICATION NO.	FILING DATE	INVENTOR NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,585 ✓	05/02/2001	Victor Gogolak	QED0001	6776
25227	7590	01/13/2006	EXAMINER	
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			DAVIS, GEORGE B	
			ART UNIT	PAPER NUMBER
			2129	

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED
JAN 17 2006
MORRISON & FOERSTER LLP

DOCKETED FR Res/Nt Appeal Drawings
REMINDER: 3-13-06 du
DUE DATE: 4-13-06 du
FINAL DUE DATE: 7-13-06 du



Office Action Summary

Application No.

09/681,585

Applicant(s)

VICTOR GOGOLAK

Examiner

George Davis

Art Unit

2129

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2005. ✓
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings filed 10/20/05 are objected to because the texts of figures 3-8, 12-17 and 19-21 are not readable. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-28 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationship is the relationship between a profiler and cases. As shown in claim 1, there is a filter that selects a profiler and the same filter submits cases. What is the relationship between the profiler and the cases?

Specification

3. The amendment filed 10/20/05 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: section 0067, "one"; section 0108, "12,950" and "62,669"; section 0113, "Lamivudine, Didanosine and Indinavir Sulfate" and "Stavudine"; section 0114, "Stavudine"; section 0115, "Lamivudine", "Stavudine", "12617" and "100"; section, 0143, "under 16" and "6"; section 0157, "count"; and section 0159, "outcome".

Applicant is required to cancel the new matter in the reply to this Office Action.

4. Applicant's arguments filed 10/20/05 have been fully considered but they are not persuasive.

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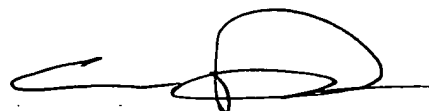
5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Davis whose telephone number is (571) 272-3683. The examiner can normally be reached on Monday through Friday from 10:00 am to 6:30 pm.

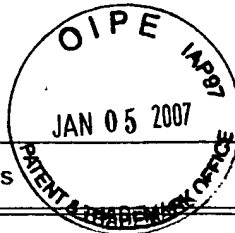
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Vincent, can be reached on (571) 272-3080. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3800.

January 08, 2006

A handwritten signature in black ink, consisting of a series of loops and a horizontal line, representing the name George B. Davis.

GEORGE B. DAVIS

PRIMARY PATENT EXAMINER

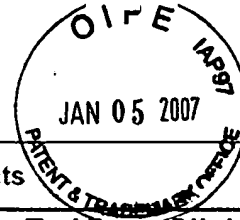


09/681,585 Method and system for analyzing drug adverse effects

01-04-
2007::12:24:45**Transaction History**

Date	Transaction Description
12-13-2006	Mail Abandonment for Failure to Respond to Office Action
12-11-2006	Abandonment for Failure to Respond to Office Action
08-14-2006	Mail Advisory Action (PTOL - 303)
08-08-2006	Advisory Action (PTOL-303)
07-13-2006	Notice of Appeal Filed
07-13-2006	New or Additional Drawing Filed
07-20-2006	Date Forwarded to Examiner
07-13-2006	Amendment after Final Rejection
07-13-2006	Request for Extension of Time - Granted
07-13-2006	Request for Extension of Time - Granted
01-13-2006	Mail Final Rejection (PTOL - 326)
01-09-2006	Final Rejection
11-02-2005	Correspondence Address Change
11-02-2005	Change in Power of Attorney (May Include Associate POA)
10-20-2005	New or Additional Drawing Filed
11-01-2005	Date Forwarded to Examiner
10-20-2005	Response after Non-Final Action
10-20-2005	Request for Extension of Time - Granted
10-20-2005	Request for Extension of Time - Granted
04-20-2005	Mail Non-Final Rejection
04-18-2005	Non-Final Rejection
03-22-2005	Case Docketed to Examiner in GAU
02-25-2005	Case Docketed to Examiner in GAU
01-26-2005	IFW TSS Processing by Tech Center Complete
09-10-2002	Reference capture on IDS
12-01-2003	Case Docketed to Examiner in GAU
11-05-2003	Power to Make Copies and/or Inspect
10-15-2002	Case Docketed to Examiner in GAU
09-10-2002	Information Disclosure Statement (IDS) Filed
09-27-2002	Case Docketed to Examiner in GAU
06-22-2001	Application Dispatched from OIPE
05-29-2001	Application Is Now Complete
05-29-2001	Notice Mailed--Application Incomplete--Filing Date Assigned
05-24-2001	Correspondence Address Change
05-17-2001	IFW Scan & PACR Auto Security Review
05-02-2001	Electronic Filing of Original Application Papers
05-02-2001	Initial Exam Team nn

Close Window



09/681,585 Method and system for analyzing drug adverse effects

01-04-
2007::12:25:07

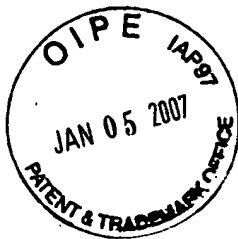
This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click Start Download.

Available Documents

Mail Room Date	Document Description	Document Category	Page Count
12-13-2006	Abandonment	PROSECUTION	2
08-14-2006	Advisory Action (PTOL-303)	PROSECUTION	3
08-14-2006	Amendment After Final or under 37CFR 1.312, initialed by the examiner.	PROSECUTION	1
07-13-2006	Notice of Appeal Filed	PROSECUTION	1
07-13-2006	Amendment After Final	PROSECUTION	1
07-13-2006	Specification	PROSECUTION	4
07-13-2006	Claims	PROSECUTION	8
07-13-2006	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	4
07-13-2006	Drawings	PROSECUTION	19
07-13-2006	Extension of Time	PROSECUTION	1
07-13-2006	Miscellaneous Incoming Letter	PROSECUTION	2
01-13-2006	Final Rejection	PROSECUTION	5
01-13-2006	Index of Claims	PROSECUTION	1
11-02-2005	Communication - Re: Power of Attorney (PTOL-308)	PROSECUTION	2
10-20-2005	Fee Worksheet (PTO-06)	PROSECUTION	1
10-20-2005	Amendment - After Non-Final Rejection	PROSECUTION	1
10-20-2005	Specification	PROSECUTION	6
10-20-2005	Claims	PROSECUTION	8
10-20-2005	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	3
10-20-2005	Miscellaneous Incoming Letter	PROSECUTION	1
10-20-2005	Drawings	PROSECUTION	18
10-20-2005	Extension of Time	PROSECUTION	2
10-20-2005	Power of Attorney	PROSECUTION	1
04-20-2005	Non-Final Rejection	PROSECUTION	6
04-20-2005	List of References cited by applicant and considered by examiner	PRIOR ART	4
04-20-2005	List of references cited by examiner	PRIOR ART	1
04-20-2005	NPL Documents	PRIOR ART	9
04-20-2005	Index of Claims	PROSECUTION	1
04-20-2005	Bibliographic Data Sheet	PROSECUTION	1
04-20-2005	Search information including classification, databases and other search related notes	PROSECUTION	1
04-17-2005	Examiner's search strategy and results	PROSECUTION	3
11-05-2003	Miscellaneous Incoming Letter	PROSECUTION	1
09-10-2002	Information Disclosure Statement (IDS) Filed	PROSECUTION	6
09-10-2002	Foreign Reference	PRIOR ART	7
09-10-2002	Foreign Reference	PRIOR ART	8
09-10-2002	NPL Documents	PRIOR ART	1
09-10-2002	NPL Documents	PRIOR ART	1
09-10-2002	NPL Documents	PRIOR ART	1
09-10-2002	NPL Documents	PRIOR ART	2
09-10-2002	NPL Documents	PRIOR ART	2
09-10-2002	NPL Documents	PRIOR ART	13
09-10-2002	NPL Documents	PRIOR ART	9
09-10-2002	NPL Documents	PRIOR ART	21

09-10-2002	NPL Documents	PRIOR ART	56
09-10-2002	NPL Documents	PRIOR ART	32
09-10-2002	NPL Documents	PRIOR ART	50
09-10-2002	NPL Documents	PRIOR ART	13
09-10-2002	NPL Documents	PRIOR ART	2
09-10-2002	NPL Documents	PRIOR ART	6
09-10-2002	NPL Documents	PRIOR ART	3
09-10-2002	NPL Documents	PRIOR ART	16
09-10-2002	NPL Documents	PRIOR ART	8
09-10-2002	NPL Documents	PRIOR ART	12
09-10-2002	NPL Documents	PRIOR ART	6
09-10-2002	NPL Documents	PRIOR ART	7
06-18-2001	Miscellaneous Incoming Letter	PROSECUTION	3
06-18-2001	Oath or Declaration filed	PROSECUTION	2
05-29-2001	Miscellaneous Action with SSP	PROSECUTION	1
05-02-2001	Bibliographic Data Sheet	PROSECUTION	1
05-02-2001	Fee Worksheet (PTO-06)	PROSECUTION	1
05-02-2001	Claims Worksheet (PTO-2022)	PROSECUTION	1
05-02-2001	Transmittal of New Application	PROSECUTION	4
05-02-2001	Application Data Sheet	PROSECUTION	1
05-02-2001	Specification	PROSECUTION	34
05-02-2001	Claims	PROSECUTION	6
05-02-2001	Abstract	PROSECUTION	1
05-02-2001	Drawings	PROSECUTION	22

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JUL 14 2006

MORRISON & FORTNEY

Inventor: Victor V. GOGOLAK

Atty Docket No.: 597932000700

Application No.: 09/681,585

Filing Date: May 2, 2001

Title: METHOD AND SYSTEM FOR ANALYZING DRUG ADVERSE EFFECTS

Documents Filed:

Transmittal (1 page)

Fee Transmittal (1 page)

Three Month Request for Extension of Time (1 page)

Notice of Appeal (1 page)

Amendment Under 37 CFR 1.116 (17 pages)

Replacement Drawings (18 pages)



DOCKET

Via: PTO Courier

Sender's Initials: BNF1/whr1

Date: July 13, 2006

va-169267